

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

TERESA WILSON,)	
)	Case No
Plaintiff,)	
)	.
v.)	
)	
TAKHAR COLLECTION SERVICES, LTD.,)	
)	
Defendant.)	
_____)	

PLAINTIFF’S COMPLAINT AND DEMAND FOR JURY TRIAL

TERESA WILSON (Plaintiff), by her attorneys, KROHN & MOSS, LTD., alleges the following against the TAKHAR COLLECTION SERVICES, LTD. (Defendant):

INTRODUCTION

1. Count I of Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Because Defendant does business in the state of Missouri, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in Country Club, Andrew County, Missouri.

VERIFIED COMPLAINT AND DEMAND FOR JURY TRIAL

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6. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
7. Defendant is a limited liability company located in Niagara Falls, New York.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.
10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

11. Defendant has placed collection calls constantly and continuously to Plaintiff seeking payment on a debt allegedly owed by Joseph Callen to Columbia House Record and Tape ("Columbia"), as Plaintiff has power of attorney for Joseph Callen and handles his financial affairs.
12. After receiving collection calls from Defendant, Plaintiff contacted Columbia and was told that the account number has no account attached to it, that there was no contract with Joseph Callen and he had not received any goods or services from Columbia.
13. Plaintiff provided this information to Defendant; however, Defendant failed and refused to corroborate the information.
14. Despite being advised that the debt was not owed, Defendant has continued to call

Plaintiff multiple times per day on a daily basis for months after notice that the debt was not owed.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

15. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff;
- b. Defendant violated §1692d of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the number called; and
- c. Defendant violated §1692e(2) of the FDCPA by falsely representing the character, amount or legal status of the alleged debt.

WHEREFORE, Plaintiff, TERESA WILSON, respectfully requests judgment be entered against Defendant, TAKHAR COLLECTION SERVICES, LTD for the following:

16. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;
17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k; and
18. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By:/s/ Adam C. Maxwell

Adam C. Maxwell

Bar No: 62103

Attorney for Plaintiff

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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, TERESA WILSON, hereby demands trial by jury in this action.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF MISSOURI)
COUNTY OF TEXAS)

Plaintiff, TERESA WILSON, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, TERESA WILSON, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

9/23/2010
Date


TERESA WILSON